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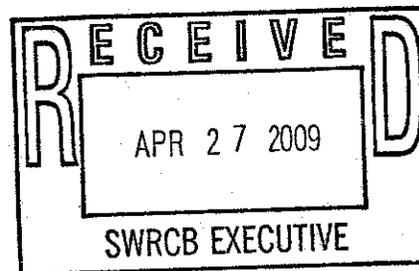
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April 27, 2009

Charles R. Hoppin, Chair and Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Attn: Jeanine Townsend, Clerk to the Board



Dear Chair Hoppin and Members of the Board:

Subject: **Comment Letter-Landscape Irrigation General Permit**

The City of Los Angeles' Bureau of Sanitation (Bureau) appreciates the opportunity to submit technical comments on the *Draft General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water* (General Permit). The City of Los Angeles was actively involved in the development of the Recycled Water Policy, adopted by your Board in early February 2009 and strongly supported AB 1481 (De La Torre). The Bureau strongly supports the Recycled Water Policy's emphasis on streamlining and simplifying permitting for landscape irrigation projects using recycled water. As a producer of recycled water, the Bureau has been a strong supporter for the use of recycled water. The sustainability of the State's future water supply and economy depends upon increased recycled water use, as well as does the City of Los Angeles' future. The Bureau believes that regulatory inconsistency in the permitting of recycled water projects has not facilitated its development. The City of Los Angeles supported AB 1481 to address this issue. The intent of AB 1481 was to develop and adopt a General Permit that increases the safe and reliable use of recycled water for landscape irrigation uses and reduces reliance on alternative water sources.

The following is a brief summary of the Bureau's main technical comments regarding the General Permit:

1. Clarification that Enrollment under the General Permit will result in rescission of Waste Discharge Requirements for Landscape Irrigation Uses of Recycled Water



The General Permit should be clearer as to how it relates to existing individual and master reclamation permits. The Bureau currently has WDR/NPDES permits for discharges to surface waters; a General MS4 WDR/NPDES permit for storm water discharges; and a combination of WDR and WRR permit requirements for landscape irrigation, recreation, and industrial purposes. The Bureau is concerned with multiple layering of these permits.

The Bureau recommends that the State Water Resources Control Board (State Board) clarify that by opting into the General Permit, all previously issued WDR/WRR permits or Master Reclamation permits that cover landscape irrigation are automatically rescinded.

2. **Monitoring and Reporting Program**

The General Permit requires daily monitoring, weekly site inspection, record-keeping, and monthly reporting. These requirements are excessive and unnecessary. Irrigating with disinfected tertiary treated water meeting Title 22 Standards is safe for irrigation. Excessive monitoring, inspection, record-keeping, and reporting requirements will be difficult and costly to implement and will deter future recycling projects.

The Bureau recommends monthly or bimonthly record keeping depending on the user's billing cycle for each individual project to be made available upon request. The Bureau supports submittal of a yearly summary report which should include only the volume of recycled water used.

3. **Operation and Maintenance Plan**

The multiple plans required by the General Permit prior to commencement of irrigation projects e.g., an operations plan, general irrigation management plan, individualized irrigation management plan, and an approved Title 22 engineering report, will deter and delay future landscape irrigation projects. These requirements are inconsistent with the Recycled Water Policy, which requires only each site to be "subject to" an Operations and Maintenance Plan and can apply to multiple sites.

The Bureau recommends the State Board incorporate the language developed for the Recycled Water Policy.

4. **General Permit Prohibitions**

Many of the prohibitions in the General Permit are unnecessary and treat disinfected tertiary treated recycled water as a waste rather than a valuable resource. The Bureau recommends that the following prohibitions be deleted:

- Prohibition A3, Page 11 - Irrigating landscape with recycled water in common areas of residential developments containing single-family homes should be permissible as it is consistent with Title 22 Standards.
- Prohibition A5, Page 11 - Recycled water that meets Title 22 Standards, complies with all other permitting requirements, and is managed in accordance with the State's Recycled Water Policy is safe for irrigating landscape within a Groundwater Recharge Reuse Project.
- Prohibition A6, Page 11 - The use of recycling water for cooling towers and other industrial uses is allowed under Title 22 Standard and is not covered under this General Permit. Therefore, this is not a prohibition, but is outside the scope of this permit.
- Prohibition A7, Page 11- Evaluation of the potential risk of a cross-connection is determined by California Department of Public Health (CDPH) and is more appropriate as an eligibility requirement rather than prohibition. A permit can not prohibit a recycler from taking an action because CDPH deems a plumbing scheme to be "complex." If there is a complex plumbing scheme, CDPH may still approve a recycling project if the risks are mitigated due to specific backflow prevention measures are implemented to reduce the risk of cross-connection. This is an issue of eligibility and must be determined prior to the issuance of a permit and not a prohibition.
- Prohibition A11, Page 12 - Recycled water that meets Title 22 Standards, complies with NPDES permitting requirements, and is managed in accordance with the State's Recycled Water Policy is safe for irrigating landscape within 50 feet of surface water. This is not a Title 22 Standard requirement and would limit the applicability of the General Permit.
- Prohibition A16, Page 12 – Section 25249.5 (Prop 65) of the Health and Safety Code prohibit application of recycled water that contains chemicals known to cause cancer or reproductive harm above specific risk levels into sources of drinking water.

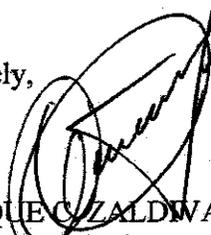
Irrigation of the landscape will not cause any significant amount of proposition 65 regulated chemical to enter the groundwater and the release of recycled water is in compliance with Title 22, all permits, policies and orders; consequently Section 25249.5 is not applicable to recycling water irrigation projects.

The Bureau recommends deletions of the above listed prohibitions.

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
April 27, 2009
Page 4 of 4

Attached please find the Bureau's detailed technical comments. The Bureau also thanks the State Board in advance for consideration of these comments. If you should have any questions regarding the Bureau's comments, please contact H.R. (Omar) Moghaddam at (310) 648-5423 of the Regulatory Affairs Division.

Sincerely,



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

Attachment 1

cc w/Attachment:

Tracy Egoscue, CRWQCB - Los Angeles Region
Cynthia Ruiz, Board of Public Works
Rafael Prieto, Chief Legislative Analyst Office
S. David Freeman, Mayor's Office
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Omar Moghaddam, BOS/RAD

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments for State's Landscape Irrigation General Permit

Comment	Document Reference	Issue	Comments
1	Page 1, Finding 2 & 3	Limiting the Use of Recycled Water	<p>Title 22 Section 60304 of the California Water Code (CWC) outlines the uses and minimum acceptable levels of treatment for recycled water.</p> <p>By limiting landscape irrigation to disinfected tertiary treated recycled water, the State Water Resources Control Board (State Board) will be decreasing the overall quantity of recycled water that could qualify for coverage under this permit.</p> <p>The City of Los Angeles, Bureau of Sanitation (Bureau) recommends that the General Permit for landscape irrigation follow the CWC's use designations instead of requiring only disinfected tertiary recycled water for every irrigation project.</p>
2	Page 2, Finding 5	Encourage the use of Recycled Water	<p>The General Permit should encourage the use of recycled water. The State Board should place emphasis on the positive by emphasizing that disinfected tertiary treated water meets Title 22 Standards and is safe for irrigation.</p> <p>The Bureau recommends the deleting Finding 5 and replacing it with the following language:</p> <p><u>"Permitting recycled water usage is necessary to protect public health, prevent unauthorized discharges, and control salinity and other constituents that may be present in recycled water."</u></p>

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments for State's Landscape Irrigation General Permit

Comment	Document Reference	Issue	Comments
3	Page 3, Finding 7	Multiple Layering of Permits	<p>The Bureau currently has WDR/NPDES permits for discharges to surface waters; a General MS4 WDR/NPDES permit for storm water discharges; and a combination of WDR and WRR permit requirements for landscape irrigation, recreation, and industrial purposes. The Bureau is concerned with multiple layering of these permits.</p> <p>The Bureau recommends the State Board replace Finding 7 with the following language:</p> <p>"This General Permit is applicable to Use Areas where recycled water is used or conveyed for landscape irrigation and is not intended to regulate the treatment of municipal wastewater. Compliance with this General Permit does not relieve permit holders from the obligation to comply with applicable waste discharge requirements for <u>discharges from wastewater treatment plants that produce recycled-water</u>. <u>Enrollment under the General Permit does relieve the permit holders from compliance from previously issued Waste Discharge and/or Water Recycling Requirements or Water Reclamation Permits issued for landscape irrigation.</u>"</p>
4	Page 3, Finding 8	Producer or Distributor	<p>Finding 8 needs modification to allow either the Distributor or Producer to obtain coverage under the General Permit.</p> <p>The Bureau recommends the first sentence of Finding 8 be modified to read as follows:</p> <p>"To obtain coverage under this General Permit, the Distributor or <u>Producer</u> shall submit a completed Notice of Intent (NOI) form"</p>

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments for State's Landscape Irrigation General Permit

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5	Page 3, Finding 9	Application Fee/Annual Fee	<p>Finding 9, as written, appears to be applicable to Users instead of Producers or Distributors. Having Users pay a fee will not encourage the use of recycled water or enrollment under the General Permit.</p> <p>The Bureau recommends that Finding 9 be replaced with the following language:</p> <p>The application fee shall be equal to the annual fee, pursuant to CWC section 13260. Fee amounts are specified in Section 2200, Chapter 9, Division 3, Title 23, CCR. <u>Producers or Distributors</u> shall be billed for an annual fee equal to the application fee until coverage under the GP has been terminated.</p>
6	Page 4 Finding 11	Health Considerations	<p>By including the words "waste constituents" in Finding 11, the State Board is conveying the wrong message. Human exposure to recycled water is only a public health consideration if recycled water does not comply with Title 22, the Recycled Water Policy, and BMPs. Disinfected tertiary treated recycled water meets that meets Title 22 Standards and is safe for distribution and use.</p> <p>Finding 11a is covered in Finding 12 and should be deleted.</p> <p>Finding 11b is covered in Finding 13 and should be deleted.</p> <p>The Bureau recommends that Finding 11 be entirely deleted.</p>
7	Page 4 Finding 12	Minimum Treatment Standard	<p>Finding 12 implies that disinfected secondary recycled water is a public health threat for pathogens. Irrigating with disinfected secondary recycled water is safe uses specified in Title 22 Standards.</p> <p>The Bureau recommends that the State Board modify Finding 12 to read as follows:</p> <p>"To protect public health, this General Permit employs a minimum treatment standard of disinfected tertiary-recycled water, <u>requires compliance with Title 22</u>, as well as exposure control measures including minimum setback distances, signage, method application and use restrictions."</p>

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments for State's Landscape Irrigation General Permit

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8	Page 4-6 Findings 14 to 21	Salinity	<p>These findings should mirror Section 6a of the Recycled Water Policy (RWP).</p> <p>The Bureau recommends that Findings 14-21 be deleted and replaced with section 6a from the RWP.</p>
9	Page 6 Findings 23-27	CECs	<p>These findings should mirror Section 10 of the RWP.</p> <p>The Bureau recommends that Findings 23-27 be deleted and replaced with section 10 from the RWP.</p>
10	Page 7 Heading	Change Heading	<p>The Bureau recommends the heading of this section to read as follows:</p> <p>"RECYCLED WATER USE AREA BEST MANAGEMENT PRACTICES"</p>
11	Page 7 Finding 30	BMPs	<p>This finding should include language from Section 7a of the RWP.</p> <p>The Bureau recommends that Finding 30 be replaced with Section 7a of the RWP.</p>
12	Page 7 Finding 33	Producer or Distributor	<p>If the goal of General Permit is to maximize the use of recycled water, Distributors or Producers should be allowed to obtain coverage under the General Permit.</p> <p>The Bureau recommends that the last sentence of Finding 33 be modified to read as follows:</p> <p>"Alternatively, a Distributor or <u>Producer</u> may request coverage under this GP."</p>
13	Page 9 Finding 40	Recycling Water Policy	<p>Resolution No. 77-1 titled "Policy with Respect to Water Reclamation in California" has been recently superseded by Resolution 2009-0011 "Recycled Water Policy."</p> <p>The Bureau recommends that the State Board instead reference the most recently adopted water recycling policy.</p>

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments for State's Landscape Irrigation General Permit

Comment	Document Reference	Issue	Comments
14	Page 11 Prohibition A3	Property zoned as "single family residential"	<p>This prohibition conflicts with Section 60304 (a) (4) of Title 22 that specifically allows tertiary treated recycled water to be used for "residential landscaping."</p> <p>The Bureau recommends that the State Board remove this prohibition and clarify that irrigating landscape with recycled water in common areas in residential developments containing single-family homes is permissible and in compliance with Title 22.</p>
15	Page 11 Prohibition A5	Groundwater Recharge	<p>Recycled Water that meets Title 22 Standards, complies with all other permitting requirements, and is managed in accordance with the State's Recycled Water Policy is safe for irrigating landscape within a Groundwater Recharge Reuse Project.</p> <p>The Bureau recommends that the State Board delete this prohibition.</p>
16	Page 11 Prohibition A6	Industrial Uses of Recycled Water	<p>Industrial Use and recreation use of recycled water is currently allowed under Title 22.</p> <p>The Bureau recommends that the State Board delete this prohibition and instead clarify in the General Permit that the use of recycled water for cooling towers and other industrial uses is not covered under it.</p>

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments for State's Landscape Irrigation General Permit

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17	Page 11 Prohibition A7	Complex Plumbing Scheme and High Risk Cross Connection	<p>Evaluation of the potential risk of a cross-connection is determined by California Department of Public Health (CDPH) and is more appropriate as an eligibility requirement. Even if there is a complex plumbing scheme, CDPH may still approve a recycling project if the risks are mitigated due to specific backflow prevention measures are implemented to reduce the risk of cross-connection.</p> <p>The Bureau recommends that the State Board define what constitutes an "unusually complex plumbing schema" and a "high risk cross-connection" in the Definitions Section of the General Permit.</p> <p>The Bureau also recommends the State Board modify this prohibition to read as follows:</p> <p>"The use of recycled water, pursuant to this General Permit, at use areas with an unusually complex plumbing schema, as determined by CDPH, that results in a high risk of cross-connection contamination with potable water supplies is prohibited <u>unless preventative measures have been taken and approved by CDPH.</u>"</p>
18	Page 12 Prohibition A8 CEC		<p>Constituents of Emerging Concern (CEC) are currently being addressed by the Recycled Water Policy. By prohibiting CEC prior to determination of what actually constitutes a concern by the Blue Ribbon Panel is not the spirit of the Recycled Water Policy.</p> <p>In order to be consistent with the RWP, the General Permit should defer CEC requirements or prohibitions until after the blue-ribbon panel completes their evaluation of pertinent scientifically based CEC requirements. Furthermore, this should not be a prohibition to be determined by a user after the issuance of a permit, but should be considered as an eligibility requirement to be determined prior to the issuance of a permit.</p> <p>The Bureau recommends removal of this prohibition.</p>
19	Page 12 Prohibition A11	Irrigation within 50 feet of surface water.	<p>Recycled water that meets Title 22 Drinking Water Standards, complies with NPDES permitting requirements, and is managed in accordance with the State's Recycled Water Policy is safe for irrigating landscape within 50 feet of surface water. This not a use prohibition in Title 22.</p> <p>The Bureau recommends deleting the surface water part of this prohibition.</p>

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments for State's Landscape Irrigation General Permit

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20	Page 12 Prohibition A16	Proposition 65	<p>Prohibition 16 would prohibit application of recycled water that contains chemicals known to cause cancer or reproductive harm above specific risk levels into sources of drinking water.</p> <p>This particular provision of Proposition 65 does not apply if the following criteria are met:</p> <p>(1) The discharge or release will not cause any significant amount of the discharged or released chemical to enter any source of drinking water.</p> <p>(2) The discharge or release is in conformity with all other laws and with every applicable regulation, permit, requirement, and order.</p> <p>Irrigation of the landscape will not cause any significant amount of proposition 65 regulated chemical to enter the groundwater and the release of recycled water is in compliance with Title 22, all permits, policies and orders; consequently Section 25249.5 is not applicable to recycling water irrigation projects.</p> <p>The Bureau recommends deleting Prohibition A16.</p>
21	Page 13 Specification 4	Language Correction	<p>The Bureau recommends that the State Board reword Specification 4 to read as follows:</p> <p>"Application of waste-constituents recycled water to the use area..."</p>
22	Page 14 Specification 14	Workers to Avoid Recycled Water	<p>Since the General Permit specifies the use of Title 22 Disinfected Tertiary Treated Recycled Water, it is not necessary to manage recycled water to avoid body contact. We agree that employees and eating areas shall be protected against contact with recycled water spray, mist, and runoff.</p> <p>The Bureau recommends deleting the first sentence in the paragraph: "Recycled water shall be managed to avoid contact with workers."</p>

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments for State's Landscape Irrigation General Permit

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23	Page 16 Provision 5	O&M Plan & General Irrigation Plan	<p>The multiple plans required by the General Permit prior to commencement of irrigation projects e.g., an operations plan (O&M), general irrigation management plan, individualized irrigation management plan, and an approved Title 22 engineering report, will deter and delay future irrigation projects. These requirements are inconsistent with the Recycled Water Policy which only requires each site to be "subject to" and O&M plan that can apply to multiple sites.</p> <p>The General Permit would seem to require an "individualized Irrigation Management Plan" for "each Recycled Water Use Area." This plan must include: soil characteristics; recycled water characteristics (nutrients, salts, bicarbonate, etc.); requirements of the plant species being irrigated (seasonal demand, climate, nutrient requirements); climactic conditions (precipitation, evapotranspiration rate, wind); other supplemental nutrient additions; management of impoundments.</p> <p>This is inconsistent with the Recycled Water Policy which only requires each site to be "subject to" an O&M plan that can apply to multiple sites. Under the policy, the plan just has to specify agronomic rates and describe a set of "reasonably practicable" measures.</p> <p>The extra requirements found in the General Permit would be an extreme disincentive to potable water irrigators to switch to recycled water. Combined with the proposed daily monitoring requirements in the MRP (see below) this GP will not encourage additional recycled water use. It will encourage users to remain on their potable supplies.</p> <p>The Bureau recommends that the State Board mirror the language developed under the Recycled Water Policy.</p>

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments for State's Landscape Irrigation General Permit

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24	<p>Page 1 & 2 MRP Recycled Water Use Area</p> <p>Page 5 & 6 Attachment F</p>	MRP	<p>The monitoring, inspection, record-keeping, and reporting requirements for recycled water use areas are excessive. The monitoring and reporting requirements will be difficult and costly to implement and will deter future recycling projects.</p> <p>The Bureau recommends monthly or every other month (depending on the billing cycle) record keeping for each individual project.</p> <p>The Bureau supports submittal of a yearly summary report detailing the volume of recycled water used.</p> <p>The Bureau also recommends that the annual report only require those persons responsible for preparing the report be named in the annual report.</p> <p>The Bureau recommends the language be modified as follows: "Names, certificate grades, and general responsibilities of persons involved in preparing the report."</p> <p>The Bureau also believes the requirement for the Distributor to ensure the condition of application areas and impoundments are examined once per week following irrigation events and visual observations are written in a bound logbook is excessive and unnecessary. The Bureau believes that only "periodic inspections" by the User should be necessary.</p>
25	Page 3 MRP Distributor Reporting #4	Flow Meter	<p>The State Board should base the amount of water recycled upon the amount of water billed to the user by the retailer. The requirement for maintaining records for calibration and maintenance of a flow meter is unnecessary. It is in the self-interest of the distributor to maintain its water meters for billing purposes and maintaining records for this purpose are unnecessary and excessive.</p> <p>The Bureau recommends deletion of any requirements requiring the distributor or producer to maintain records regarding calibration and maintenance of flow meters.</p>

ATTACHMENT 1
City of Los Angeles, Bureau of Sanitation
Technical Comments for State's Landscape Irrigation General Permit

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26	Page 5 Attachment C BMPs	BMPs	<p>The State Board should clarify that BMPs for Sections II and III are optional, depending on site-specific conditions. Applicable BMPs should be determined by the site supervisor or other individual most familiar with the conditions of that site.</p> <p>BMPs should be updated to reflect the most recent industry practices and technological improvements for recycled water and water conservation.</p>